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15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 JOSE ALVARADO, JIMENA
18 ALVARADO, ERIKA ALVARADO, and
19 MARCOS ALVARADO, in each case
20 individually and as successor in interest to
21 Delfino Avila, deceased,

22 Case No.: 5:24-cv-00088-JGB-SHK
District Judge Jesus G. Bernal
Magistrate Judge Shashi H.
Kewalramani

23 Plaintiffs,

24 v.
25 **JOINT STIPULATION TO ALLOW**
PLAINTIFFS TO AMEND
COMPLAINT TO NAME THE
INDIVIDUAL OFFICERS IN PLACE
OF DOE DEFENDANTS 1-2

26 CITY OF SAN BERNARDINO; and
27 DOES 1 through 10, inclusive,

28 Defendants.

29 **TO THIS HONORABLE COURT:**

30 **IT IS HEREBY STIPULATED** by and between Plaintiffs JOSE
31 ALVARADO, ERIKA ALVARADO, and MARCOS ALVARADO, and Defendant

1 CITY OF SAN BERNARDINO (“the Parties”), by and through their respective
2 attorneys of record, as follows:

- 3 1. Plaintiffs filed their Complaint on January 16, 2024. At the time of the
4 filing of their Complaint, Plaintiffs were genuinely ignorant of the names
5 of the City of San Bernardino Police Department employees and/or
6 individuals who used force during the incident giving rise to this lawsuit.
7 Subsequently, through counsel’s meet and confer efforts and discussions
8 regarding the case, Plaintiffs have discovered information that Officers
9 Zack Ewing and Carla Gutierrez are the City of San Bernardino Police
10 Department employees who used force against the decedent during the
11 incident giving rise to this lawsuit.
- 12 2. The Parties agree that Plaintiffs may file an amended complaint for the
13 purpose of naming Officers Zack Ewing and Carla Gutierrez as individual
14 defendants. A copy of Plaintiffs’ proposed First Amended Complaint
15 (redlined) is attached hereto as “Exhibit A.” A copy of Plaintiffs’
16 proposed First Amended Complaint (clean) is attached hereto as “Exhibit
17 B.”
- 18 3. Counsel for the City of San Bernardino agrees to accept service of the First
19 Amended Complaint on behalf of the City of San Bernardino and the
20 individual defendants.
- 21 4. Plaintiffs shall have 7 days to file their First Amended Complaint after the
22 Court grants them leave. Defendant City of San Bernardino shall have 21
23 days thereafter to file a responsive pleading.

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25 IT IS SO STIPULATED.

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3 DATED: September 27, 2024

LAW OFFICES OF DALE K. GALIPO

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By: *s/Renee V. Masongsong*

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Dale K. Galipo

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Renee V. Masongsong

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Attorneys for Plaintiffs

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DATED: September 27, 2024

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By: *s/ Scott Carpenter*

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Scott J. Carpenter

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Steven J. Rothans

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Attorneys for Defendant

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City of San Bernardino

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